

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

BITMANAGEMENT SOFTWARE GMBH,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 16-840 C

Senior Judge Edward J. Damich

**PLAINTIFF’S MOTION FOR RECONSIDERATION OF THE COURT’S MARCH 8,
2022 ORDER SETTING A NEW DAMAGES TRIAL AND REQUEST FOR STAY OF
ALL PRETRIAL AND TRIAL DEADLINES**

Pursuant to Rule 54(b) and 59(a) of the Rules of the United States Court of Federal Claims, Plaintiff Bitmanagement Software GmbH (“Bitmanagement”) respectfully moves for the Court to reconsider its March 8, 2022 order (Dkt. #166) scheduling a new trial. Bitmanagement asks the Court to instead calculate damages and enter a final judgment on the existing evidentiary record. Bitmanagement also moves that the Court stay all pretrial and trial deadlines pending its resolution of this motion. The grounds for Bitmanagement’s motion are set forth in its memorandum of law in support of this motion.

The Government has notified Bitmanagement that it intends to file a short response addressing Bitmanagement’s motion for reconsideration by Friday, March 25, 2022. The response will request that the Court rule on the Government’s stayed motion for reconsideration of the exclusion of the trial testimony of its damages expert. Other than reconsideration of that exclusion to potentially allow the expert’s trial testimony, the Government agrees with

Bitmanagement that both parties previously presented their respective cases on damages at trial, and that the trial record should otherwise remain closed.

Dated: March 22, 2022

Respectfully submitted,

/s/ Brent J. Gurney

Brent J. Gurney
Counsel of Record
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Ave., N.W.
Washington, D.C. 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363
Email: brent.gurney@wilmerhale.com

Of Counsel

Leon T. Kenworthy
Jamie Yood
Michael Carpenter
Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Ave., N.W.
Washington, D.C. 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363
Email: leon.kenworthy@wilmerhale.com
jamie.yood@wilmerhale.com
michael.carpenter@wilmerhale.com

Counsel for Bitmanagement Software GmbH